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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/766,684
		Filing Date	January 28, 2004
		First Named Inventor	Nabil L. Muhanna
		Group Art Unit	3738
		Examiner Name	Bruce Snow
Total Number of Pages in This Submission		Attorney Docket Number	126013-1003

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Supplemental Amendment	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <i>Statement of Substance Of Interview Under 37 C.F.R. 1.133</i>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input checked="" type="checkbox"/> Return Receipt Postcard
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
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Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Or Individual Name	Monique A. Vander Molen, Reg. No. 53,716
Signature	<i>Monique A. Vander Molen</i>
Date	February 20, 2007

## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being mailed to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or Printed Name	<i>Anne Ziegler</i>
Signature	Anne Ziegler
Date	February 20, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nabil L. Muhanna et al.

Serial No.: 10/766,684

Filing Date: January 28, 2004

Art Unit: 3738

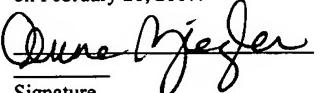
Examiner: Bruce Edward Snow

For: ARTIFICIAL INTERVERTEBRAL DISC

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Anne Ziegler

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Typed name of person signing certificate

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Mail Stop AF  
Commissioner for Patents  
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**STATEMENT OF SUBSTANCE OF INTERVIEW  
UNDER 37 C.F.R § 1.133**

Dear Sir:

Applicants submit this Statement of Substance of Interview in accordance with 37 C.F.R § 1.133 to be made of record for the above-identified application for patent and respectfully request entry of the statement as set forth herein.

Applicants first wish to thank the Examiner for agreeing to a telephone interview held on or about February 7, 2007, between the Examiner and Applicants' representative. In the interview, the substance of an Office Action made final and mailed on January 11, 2007, as well as a Supplemental Amendment filed by Applicant's representative on December 22, 2006, were discussed. The Examiner, upon review of the Supplemental Amendment, agreed with the substance of the Supplemental Amendment and that the reference cited in the final Office Action mailed January 11, 2007, namely U.S. Publication No. 2005/0256577 to Baumgartner was not, in

fact, a prior art reference. The Examiner subsequently agreed to remove from the record the finality of the Office Action mailed January 11, 2007.

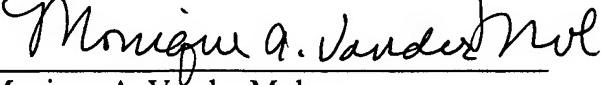
This is intended to be a written statement as to the substance of a telephone interview held on or about February 7, 2007, to be made of record in the application for patent.

Please direct any correspondence to the practitioner listed below at Customer No. 32914.

Dated: February 20, 2007.

Respectfully submitted,

GARDERE WYNNE SEWELL LLP

  
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